

By: Minjarez

H.B. No. 69

Substitute the following for H.B. No. 69:

By: Moody

C.S.H.B. No. 69

A BILL TO BE ENTITLED

AN ACT

relating to the right to vacate and avoid liability under a residential lease after a tenant's death.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 92, Property Code, is amended by adding Section 92.0162 to read as follows:

Sec. 92.0162. RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING TENANT'S DEATH. (a) A representative of the estate of a tenant who dies before the expiration of the tenant's lease may terminate the tenant's rights and obligations under the lease and may vacate the leased premises and avoid liability for future rent and any other sums due under the lease for terminating the lease and vacating the leased premises before the end of the lease term if:

(1) the representative provides to the landlord or the landlord's agent written notice of the termination of the lease under this section;

(2) the deceased tenant's property is removed from the leased premises:

(A) in accordance with Section 92.014(c), if the deceased tenant was the sole occupant of the leased premises; or

(B) by a person lawfully entitled to the deceased tenant's property, if the deceased tenant was not the sole occupant of the leased premises; and

(3) the person described by Subdivision (2)(B) signs

1 an inventory of the removed property, if required by the landlord or
2 the landlord's agent.

3 (b) Termination of a lease under this section is effective
4 on the later of:

5 (1) the 30th day after the date on which the notice
6 under Subsection (a) was provided; or

7 (2) the date on which all of the conditions in
8 Subsection (a) have been met.

9 (c) On receipt of the notice provided under Subsection (a),
10 the landlord shall provide a copy of the written lease agreement to
11 the person who provided the notice.

12 (d) This section does not affect the obligations or
13 liability of the tenant or the tenant's estate under the lease
14 before the lease is terminated under this section, including the
15 liability of the tenant or the tenant's estate for:

16 (1) delinquent, unpaid rent; and

17 (2) damages to the leased premises not caused by
18 normal wear and tear.

19 (e) A landlord or landlord's agent who lawfully permits a
20 person described by Subsection (a) to enter or facilitates the
21 person's entry into the leased premises under this section is not
22 liable for an act or omission that arises in connection with
23 permitting or facilitating the entry.

24 SECTION 2. Section 92.0162, Property Code, as added by this
25 Act, applies only to a lease agreement entered into on or after the
26 effective date of this Act. A lease agreement entered into before
27 the effective date of this Act is governed by the law in effect at

1 the time the lease agreement was entered into, and the former law is
2 continued in effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2019.